

STANDING CHAPTER 13 TRUSTEE ALEJANDRO OLIVERAS RIVERA  
REPORT OF ACTION TAKEN  
MEETING OF CREDITORS

In re:

LUIS FRANCISCO GONZALEZ COLON

Case No. 14-00873-BKT

MARILYN RODRIGUEZ RIOS

Chapter 13

Attorney Name: JOSE A LEON LANDRAU\*

<b>I. Appearances</b> Debtor <span style="margin-left: 40px;"><input checked="" type="checkbox"/> Present</span> <span style="margin-left: 40px;"><input type="checkbox"/> Absent</span> Joint Debtor <span style="margin-left: 40px;"><input checked="" type="checkbox"/> Present</span> <span style="margin-left: 40px;"><input type="checkbox"/> Absent</span> Attorney for Debtor <span style="margin-left: 40px;"><input checked="" type="checkbox"/> Present</span> <span style="margin-left: 40px;"><input type="checkbox"/> Absent</span> <input type="checkbox"/> Pro se <input type="checkbox"/> Appearing:	Date & Time: 5/1/2014 1:29:00PM <input checked="" type="checkbox"/> R <span style="margin-left: 40px;"><input type="checkbox"/> NR</span> LV: tbd <input type="checkbox"/> This is debtor(s) 0 Bankruptcy filing. Creditors: <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <u>Emilio Miranda- UST</u>  <u>Julia Primero Miranda-Pro se</u> </div>
<b>II. Oath Administered</b> <span style="margin-left: 40px;"><input checked="" type="checkbox"/> Yes</span> <span style="margin-left: 40px;"><input type="checkbox"/> No</span>	
<b>III. Plan</b> Date: 02/28/2014 Base: \$18,785.00 Payments 2 made out of 2 due. Confirmation Hearing Date: 7/31/2014 9:00:00AM Evidence of Pmt shown:	
Attorney's fees as per R. 2016(b) \$3,000.00 - \$1,519.00 = \$1,481.00	
<b>IV. Status of Meeting</b> <input checked="" type="checkbox"/> Closed <span style="margin-left: 40px;"><input type="checkbox"/> Not Held</span> <span style="margin-left: 40px;"><input type="checkbox"/> Held/Continued</span> <input type="checkbox"/> Held/Not Closed  <input type="checkbox"/> Continued Continued Date: Comments:	
<input type="checkbox"/> M.T.D. to be filed by Trustee: Debtor(s) failed to: <input type="checkbox"/> Appear: <input type="checkbox"/> Commence payments <input type="checkbox"/> Keep payments current <input type="checkbox"/> does (do) not qualify as a debtor (§109): <input type="checkbox"/> MTD Already filed, see Docket: <input type="checkbox"/> Other:	

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(Cont.)

Trustee's Report on Confirmation

☐ FAVORABLE

☒ UNFAVORABLE

☐ Feasibility

☒ Insufficiently funded

☐ Unfair discrimination

☐ Fails disposable income

☐ Fails liquidation value test

☐ Insuarence quote

☐ No provision for secured creditor(s)

☐ Tax returns missing

☐ State - years

☒ Federal - years 2010 and 2013

Pending/Items/ Documents:

☒ DSO Recipient's Information

☒ Evidence of being current with DSO

☒ Evidence of income

Mr. Gonzalez (1/30/2014 Dept. of Education)

☐ Monthly reports for the months

☐ Public Liability Insurance

☐ Premises

☐ Vehicle(s):

☐ Licenses issued by:

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Trustee's objection to confirmation

☒ Objection to Confirmation

☐ Oral objection by creditor

1. Joint Debtor's wet signature is not in schedules, SOFA nor SCMI. Counsel alleges that the correct documents are at his office and that both debtors signed the documents prior the filing. After some discussion, Mr. Gonzalez testified he signed some documents prior and other after the filing of the petition. Counsel, to the contrary alleges documents were signed prior the filing of the petition. This matter has to be clarified with the court. Additionally, Debtors should file all documents filed with the wet signature and request that the signature be considered retroactive to the filing date 02-07-14.

2. As per Sch. "G" debtors have an executory contract with Manuel Alvarado that will be assumed by debtors. The monthly payment of \$850.00 disclosed in said Schedule was not included on Sch. "J". Debtors testified the rent is of \$750. Provide copy of lease.

3. Provide IVU certification for Professional counseling. Evidence professional counseling income has not been submitted.(700.00) . I ask debtor a statement under penalty of perjury as to the income of counseling. This statement has to provide a disclosure of all the income received on a monthly basis for the 6 months prior filing and February 2014.

3. Provide copy of contract with Janet Nieves and Lorraine Morales. They share office space with Debtor and they paid for the office space used.

4. Sch, "J" discloses alimony payment of \$232.00. Provide evidence that are being current with DSO's post payments and to provide the complete information of DSO's recipient (Maribel Aponte Colon).

5. Debtors disclosed 4 children ( 7yrs, 12 yrs, 16 yrs & 17 yrs) however, no expenses for education cost was included in Sch. "J".

6. Plan is insufficiently funded to pay priorities creditors.

7. Attorney, Angel Triana Lopez, represents debtor in a criminal proceeding which an appeal is in process. Debtor owed him approximately \$2,438. This attorney has not been listed as creditor nor appointed as special counsel. If the debt will be paid directly, debtor has to inform how and who will pay it.

8. SOFA 14 Dodge Caravan, Wagberto Rivera. Vehicle used and paid by joint debtor. Also to list her interest over

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vehicle and provide evidence of lien and payoff balance.

9. Office expenses has not been disclosed in J.

10. Creditor informed that as per a deposition taken in January 2014. She alleges there are some discrepancies between the information provided by debtors in bankruptcy vs. the information provided in a deposition. Creditor will provide us copy of audio and transcript of deposition.

12. Debtor has a BMW under the name Luis M. Gonzalez Rodriguez, his father. The vehicle is paid partially by debtor's father and used by debtor. Eliminate direct payment to BMW in plan.

13. UST requested bank statements for 1 year from personal and corporate account. Oriental/BBVA bank account.

14. To list corporation interest in schedule B.

The following party(ies) object(s) confirmation:

s/Osmarie Navarro

Trustee/Presiding Officer

Date: 05/01/2014

(Rev. 05/13)